

IN RE: PETITION FOR VARIANCE
W/S Terka Circle, 562.12' N of
Allenswood Road
(3827 Terka Circle)
2nd Election District
2nd Councilmanic District

Carl F. Kohler, Jr.
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 97-105-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 3827 Terka Circle, located in the vicinity of Offutt Road in Randallstown. The Petition was filed by the owner of the property, Carl F. Kohler, Jr. The Petitioner seeks relief from Sections 211.3 and 301 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side and rear setback of .71 feet in lieu of the required 6 feet (side) and 22.5 feet (rear) for an existing attached carport. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Carl F. Kohler, Jr., owner of the property, and Steven Michael. Appearing as Protestants in the matter were Cindy and Jerry Feldstein, adjoining property owners.

Testimony and evidence offered revealed that the subject property consists of 7,521 sq.ft., zoned D.R. 5.5, and is improved with a single family dwelling, an attached carport, which is the subject of this request, and two sheds. Mr. Kohler testified that he inherited the subject property upon the death of his father and that he presently has the house up for sale. Testimony indicated that the house has been vacant since May of this

ORDER RECEIVED FOR FILING

Date

By

MICROFILMED

year. Mr. Kohler testified that his father constructed the carport in 1989 and that he was unaware that it infringed upon any setbacks. He testified that he believed his father had obtained all necessary permits for its construction in 1989. However, apparently during the course of legal proceedings, it was discovered that the carport encroached upon the required side/rear setbacks. The Petitioner then filed the instant Petition in order to resolve the matter.

As noted above, Cindy and Jerry Feldstein appeared in opposition to the request. Mr. & Mrs. Feldstein testified that they have resided on the adjacent property for the past 19 years and that the elder Mr. Kohler was a pleasant gentlemen who kept his property in impeccable condition. They testified that they did not object to the carport at the time it was constructed, thinking that the Petitioner had obtained all the necessary permits. Furthermore, they did not want to infringe upon their neighborly relationship with Mr. Kohler by questioning the legitimacy of the carport. However, inasmuch as a new owner of the subject property is eminent, they are expressing their concern that the carport is located less than 1 foot from their property line and, more importantly, that the storage of hazardous materials in the overhead storage area of the carport could pose a safety issue. Mr. & Mrs. Feldstein testified that Mr. Kohler only used the carport as protection for his car from inclement weather and not for storage. They are concerned that any future owner of the property might store items over the carport which could be flammable and result in a fire or safety hazard. They would like the carport brought into compliance with the zoning regulations before a new owner takes title to the property.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and

his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

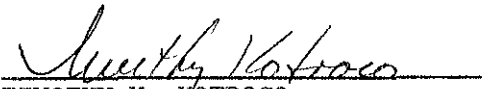
After due consideration of the testimony and evidence presented, I am persuaded to deny the variance. Testimony at the hearing revealed that Mr. Kohler plans to sell the house and has no intention of residing on the property or utilizing the carport. This is the appropriate time to address the issue of the carport and whether it should remain in its present location, .71 feet from the Feldstein's property line. Testimony demonstrated that the Feldsteins are long-time residents of this neighborhood who wish to remain in this community without fear that the carport on the subject property might pose a threat to them in the future. Therefore, the relief requested shall be denied and the Petitioner shall be required to bring the carport into compliance with the zoning regulations within sixty (60) days of the date of this Order.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 24th day of October, 1996 that the Petition for Variance seeking relief from Sections 211.3 and 301 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side and rear setback of .71 feet in lieu of the required 6 feet (side) and 22.5 feet (rear) for an existing attached carport, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petitioner shall have sixty (60) days from the date of this Order to bring the property into compliance with the zoning regulations; and,

IT IS FURTHER ORDERED that the Petitioner shall have thirty (30) days from the date of this Order to file an appeal of this decision.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 11/21/96
By [Signature]

MICROFILMED



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

October 24, 1996

Mr. Carl F. Kohler, Jr.
12343 Bonfire Drive
Reisterstown, Maryland 21136

RE: PETITION FOR VARIANCE
W/S Terka Circle, 562.12' N of Allenswood Road
(3827 Terka Circle)
2nd Election District - 2nd Councilmanic District
Carl F. Kohler, Jr. - Petitioner
Case No. 97-105-A

Dear Mr. Kohler:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been denied in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. Jerry Feldstein
3825 Terka Circle, Randallstown, Md. 21133

People's Counsel

File

MICROFILMED



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at
97-105-A

3827 Teska Circle, Rosedale, Maryland 21133
which is presently zoned *DR 5.5*

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

211.3.4 AND - 301 BCZR (1963 Regs)
TO Permit A Sideyard setback of 71' in lieu of the required 6 ft and
22 1/2 ft for an attached car port.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

To Be Determined AT Hearing

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner.

(Type or Print Name)

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Legal Owner(s).

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

Phone No

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Name

Address

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

ORDER RECEIVED FOR FILING

Date

By

Printed with Soybean Ink
on Recycled Paper

MICROFILMED

106

Carl F. Kohler, Jr.
12343 Bonfire Dr.
Reisterstown, MD. 21136

September 4, 1996

97-105-A

RE: VARIANCE FOR PROPERTY AT 3827 TERKA CIRCLE
RANDALLSTOWN, MD. 21133
CASE NO. 96-5749

(Hardship was not the result of applicant's own actions.)

Application is being made for a variance for the above mentioned property. The petitioner is Carl F. Kohler, Jr. who resides at 12343 Bonfire Drive in Reisterstown Maryland in Baltimore County. Mr. Kohler's father, having the same name and now deceased, had a contractor erect a "carport" sometime in 1989 at his home on Terka Circle. It is the carport which is of discussion for the variance. Mr. Kohler is now in the progress of settling his late fathers estate which includes selling his residence.

Recently Mr. Kohler was informed of a code violation at the above mentioned property and it specifically stated a violation of "Baltimore County Zoning Regulations (BCZR), Section 102.1". The instructions requested Mr. Kohler to make the following corrections;

CARPORT DOES NOT MEET THE BALT. CO. ZONING SIDE SET BACKS FROM PROPERTY LINE OF 6 1/2 FEET. MUST APPLY FOR A ZONING VARIANCE OR REMOVE CARPORT.

Mr. Kohler is at this time making application for a variance at 3827 Terka Circle in response to the CODE VIOLATION NOTICE. The property has recently been surveyed by Carroll Land Services, Inc. and the procedure for applying for the zoning variance is being followed.

The subject property has been on the real estate market since May 16, 1996 and it is likely that a buyer is forth-coming. It is hoped that this matter can be resolved quickly so as not to interfere with its sale.

MICROFILMED

ZONING DESCRIPTION FOR 3827 TERKA CIRCLE
RANDALLSTOWN MD 21133
CARL & RUTH KOHLER

97-105-A

Beginning at a point on the west side of Terka Circle which is 35.5 feet (paving width varies) wide at the distance of 562.12 feet north of the nearest improved intersecting street Allenswood Road which is 60.0 feet wide. *Being Lot # 14, Block S, Section # 6 in the subdivision of Randall Ridge as recorded in Baltimore County Plat Book # 30, Folio # 116, containing 7,521.00 square feet (0.1726584 of an acre). Also known as 3827 Terka Circle, Randallstown MD 21133 and located in the second (2) Election District, second (2) Councilmanic District.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

97-105-#

District _____

Posted for: _____

Date of Posting: 9/20/96

Petitioner: _____

Carl Kohlen Jr.

Location of property: _____

3827 Fierke Circle

Location of Sign: _____

front yard

Remarks: _____

Posted by: _____

Harry Bennett

Signature

Date of return: _____

Number of Signs: _____

MICROFILMED



NOTICE OF HEARINGS

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue, in Towson, people. Hearing is Tuesday, Maryland, 2/23/94 at 10:00 AM. 118, 981 Chesapeake, 100 Westinghouse, Towson, Maryland 21204-2000.

Case #94-107-1 (then 106) 3827 Tenth Creek W/S Tara Lane, 562.12' N of Allenswood Road 2nd Election District 2nd Courtment Legal Owner(s): Carol E. Kotler, Jr. Variance: to permit a side and rear yard setback of 71 feet in lieu of the required 6 feet and 22-1/2 feet for an attached carport. Hearing Tuesday, October 8, 1996 at 2:00 p.m. in Rm. 106, County Office Building.

LAWRENCE E. SCHMIDT, Zoning Commissioner for Baltimore County. NOTES: (1) Hearings are Handicapped Accessible, for special accommodations. Please Call 867-3353. (2) For information concerning the file and/or Hearing, Please Call 867-3391.

9202 State '91 C33638

CERTIFICATE OF PUBLICATION

TOWSON, MD., 9-19, 1996

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9-19, 1996

THE JEFFERSONIAN,
A. H. Erickson
LEGAL AD. - TOWSON

MICROFILMED



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

97-105-A

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 106

Petitioner:

CARL F Kohler JR

Location:

3827 TERRA CIRCLE RANDALLSTOWN, MD 21133

PLEASE FORWARD ADVERTISING BILL TO:

NAME:

CARL F Kohler JR

ADDRESS:

12343 BonFire Drive
Reisterstown Md 21136

PHONE NUMBER:

410-526-9078

MICROFILMED





[Signature]
DIRECTOR

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
TOWSON, MARYLAND 21204

[Signature]
BUILDINGS ENGINEER

TO: PUTUXENT PUBLISHING COMPANY
September 19, 1996 Issue - Jeffersonian

Please forward billing to:

Carl F. Kohler, Jr.
12343 Bonfire Drive
Reisterstown, MD 21136
526-9078

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-105-A (Item 106)
3827 Terka Circle
W/S Terka Circle, 562.12' N of Allenswood Road
2nd Election District - 2nd Councilmanic
Legal Owner(s): Carol F. Kohler, Jr.

Variance to permit a side and rear yard setback of .71 feet in lieu of the required 6 feet and 22-1/2 feet for an attached carport.

HEARING: TUESDAY, OCTOBER 8, 1996 at 2:00 p.m. in Room 106, County Office Building.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

MICROFILMED



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 11, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-105-A (Item 106,
3827 Terka Circle
W/S Terka Circle, 562.12' N of Allenswood Road
2nd Election District - 2nd Councilmanic
Legal Owner(s): Carol F. Kohler, Jr.

Variance to permit a side and rear yard setback of .71 feet in lieu of the required 6 feet and 22-1/2 feet for an attached carport.

HEARING: TUESDAY, OCTOBER 8, 1996 at 2:00 p.m. in Room 106, County Office Building.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Carl F. Kohler, Jr.

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

RECEIVED
OCT 11 1996





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

October 2, 1996

Mr. Carl F. Kohler, Jr.
3827 Terka Circle
Randallstown, MD 21133

RE: Item No.: 106
Case No.: 97-105-A
Petitioner: Carl F. Kohler, Jr.

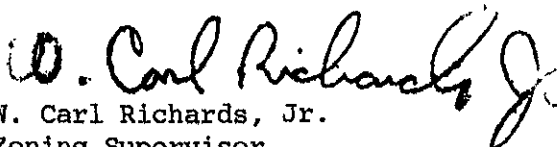
Dear Mr. Kohler:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on September 5, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,


W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

MICROFILMED




B A L T I M O R E C O U N T Y, M A R Y L A N D

I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director
 Department of Permits & Development
 Management

Date: September 23, 1996

 FROM: Robert W. Bowling, Chief
 Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
 for September 24, 1996
 Item Nos. 105, 106, 108 & 109

 The Development Plans Review Division has reviewed the subject
zoning item, and we have no comments.

RWB:HJO:jrb

cc: File



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Parker F. Williams
Administrator

9-18-96

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 106 (JLL)

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5581 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for Bob Small
Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

MICROFILMED

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 09/19/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF SEPT. 16, 1996.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 104, 105, 106, 107, 108 & 109.

MICROFILMED

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F



BALTIMORE COUNTY PERSONNEL
RULES AND REGULATIONS

RULE 8 SEASONAL, PART-TIME, OR TEMPORARY EMPLOYEES

REGULATION 8.01

Seasonal, part-time, or temporary employees are excluded from the Classified Service and such employees shall not enjoy Merit System status. Seasonal or temporary employees may not be retained in County employ for a period longer than six (6) months. Part-time employees shall be granted pro rata vacation and sick leave allowances in accordance with a pro rata schedule developed by the Director of Personnel. (Bill No. 1, 1976, Bill No. 17, 1990)

REGULATION 8.02

All such seasonal, part-time, or temporary employees and all employees appointed provisionally shall be clearly designated as such on forms provided the employee, to be signed by the employee acknowledging such employee's understanding that the position the employee is to accept is of a temporary nature and does not entitle that employee to benefits received by employees in the Classified Service except as provided for permanent part-time employees under Regulation 8.01. (Bill No. 1, 1976, Bill No. 17, 1990)

B A L T I M O R E C O U N T Y , M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
 Permits and Development
 Management

DATE: September 19, 1996

FROM: Pat Keller, Director
 Planning Office

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 104, 105, 106, 107, and 108

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by:

Jeffrey W. Long

Division Chief:

Gary L. Klein

PK/JL

BALTIMORE COUNTY PERSONNEL
RULES AND REGULATIONS
RULE 21 VACATIONS

REGULATION 21.02
(Continued)

<u>YEARS' SERVICE</u>	<u>ACCRUAL ALLOWED</u>
1st through 5th	24 days maximum as of each succeeding January 1
6th through 10th	30 days maximum as of each succeeding January 1
11th through 15th	40 days maximum as of each succeeding January 1
16th and over	50 days maximum as of each succeeding January 1. No limit on accrual in between each January 1.

REGULATION 21.03

Saturdays, Sundays and paid holidays will
not be counted as workdays.

REGULATION 21.04

Classified and part-time
employees shall be paid for vacations
earned but not taken at the time they leave
County service.

REGULATION 21.05

Classified employees with one (1) year of
continuous service shall receive an
anticipated vacation leave balance for the
calendar year, although any overuse of this
anticipated leave must be repaid to the
County upon termination.

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: PDM

DATE: 9/18/96

FROM: R. Bruce Seeley
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: Sep. 16

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

105
106
108

RBS:sp

BRUCE2/DEPRM/TXTSBP

MICROFILMED

RE: PETITION FOR VARIANCE
3827 Terka Circle, W/S Terka Circle,
562.12' N of Allenswood Road
2nd Election District, 2nd Councilmanic

Carl F. Kohler, Jr.
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 97-105-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of October, 1996, a copy of the foregoing Entry of Appearance was mailed to Carl F. Kohler, Jr., 12343 Bonfire Drive, Reisterstown, MD 21136, Petitioner.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

MICROFILMED



Code

Enforcement

Baltimore County
Department of Permits & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3351

January 3, 1997

Carl Kohler, Jr.
12343 Bonfire Dr.
Reisterstown, MD 21136

Re: 3827 Terka Circle
Randallstown, MD 21133

Dear Mr. Kohler, Jr.

This is to inform you that the above referenced property is now in compliance with the Baltimore County Zoning regulations for the side setbacks.

If you have any further questions, please contact me at (410) 887-3351 X 7286.

Thank you for your cooperation.

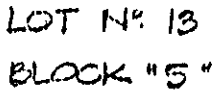
Sincerely,

A handwritten signature in cursive script, appearing to read "Mark Gawel".

Mark Gawel
Code Inspections and
Enforcement Inspector

POSTS HAVE BEEN
MOVED (THIS IS ALL THAT
IS REQUIRED AS PER
RICK WISNOM AND TIM
KENTROCO) - PROPERTY
NOW IN COMPLIANCE.

RECEIVED
JAN 10 1997



LOT N° 15
BLOCK "5"

#106

Carl & Ruth KOHLER
3827 TERKA CIRCLE
RANDALLSTOWN, MD. 21133

LOT N^o 14 BLOCK '5'
PLAT 1 SECTION SIX
"RANDALL RIDGE"

2ND ELECT. DIST. BALTIMORE CO. MD.
RECORDED IN P.B. 30 FOLIO 116

MICROFILMED

SEE REVERSE SIDE

Carroll Land Services, Inc.

Engineers • Surveyors • Land Development Consultants
438 East Main Street Westminster, MD 21157-5539
(410) 878-2017 (410) 848-1780 FAX (410) 878-0008

DATE: 8/19/96 SCALE: 1" = 30' FILE:



Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

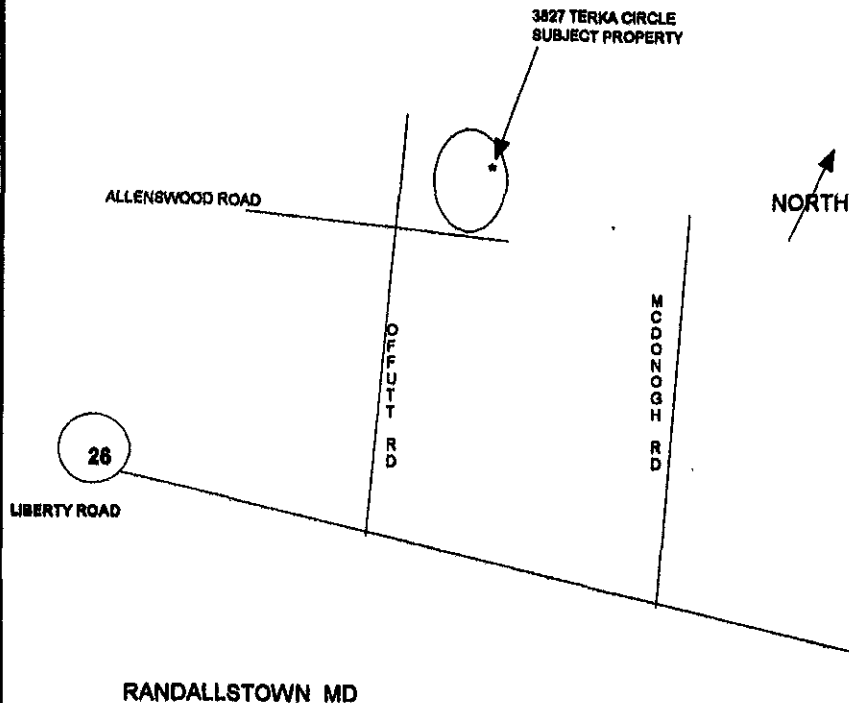
PROPERTY ADDRESS: 3827 Terka Circle

Subdivision name: Randall Ridge

plat book # 30 folio # 116 lot # 14 section # 6

OWNER Carl & Ruth Kohler

RANDALL RIDGE SUBDIVISION



VICINITY MAP

NOT TO SCALE

LOCATION INFORMATION

Councilmanic District: 2

Election District: 2

~~NOT TO SCALE~~ 1" = 30'

Zoning: DR-5.6

Lot size 0.173 7,521.0
acres square feet

SEWER:

Public	Private
YES	

WATER:

YES	
-----	--

Chesapeake Bay Critical Area:

YES	NO
	<input checked="" type="checkbox"/>

Prior Zoning Hearings: NONE

Zoning Office USE ONLY

reviewed by:

ITEM #:

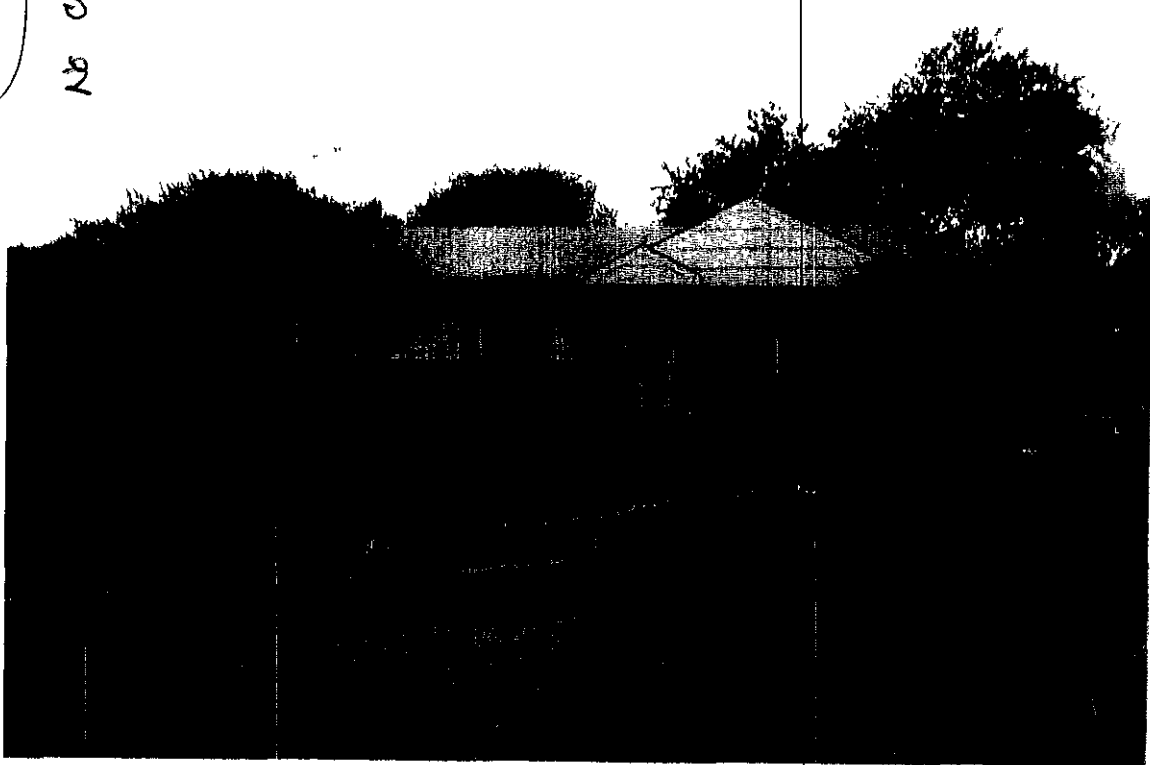
CASE #:

PROTESTANTS
LAWYERS

Welcome To:
3827 Terka Circle
Randallstown, MD 21133

Bonfire Drive
Pleasanton 8mi.

No citation



Proudly Presented By:
Wanda Huester
of

O'Connor Piper & Flynn
876-4730 or 795-5300

MICROFILMED

May 22nd

Purpose
Exhibit 1 - Property
2 A photos B/Ashphalt
Shed
Car Port
you dont live there
May 16th - How long
Not responsible

Features of This Home

Living Room

Enter to Foyer
Living Room 20' x 16'
Wall to Wall Carpet
Bright & Beautiful
Fireplace

Kitchen

Eat-in Kitchen
Disposal
Refrigerator
Side by Side Pantries
Extra Lighting
Rear Entrance

Bedrooms

Master Bedroom Size 13x 11'
Master Bath
Bedroom #2 - 12' x 11'
Bedroom #3 - 10' x 09'

Dining Room

Formal
Overlooking Back Yard
Dining Room 14' x 09'

Lot

Parking Pad w/ 2-Car Carport
Beautiful Landscape
Storage Sheds
Fenced in Yard

Lower Level

Clubroom - 38' x 31'
Laundry Room
Large Work Shop

Misc.

Exterior Lighting
Built-Ins
Lots of Storage
Major Updates
Public Water
Public Sewer
Best Buy!!!

MLS# (BC)239539
3827 TERKA CIRCLE
RANDALL RIDGE

--- A c t i v e ---
Zip: 21133 Map: BC24E10
Gr. Cap: \$0

-1- Residential
L i s t: \$116,900
Ground Rent: \$0

Desc.	:Rancher	1 Level	Detached	3 Bedrooms	2/1 Baths
	:27 Yrs Old	Frame Home	Asph Sh Roof		
Rooms	:LR: 20x16/1	DR: 14x09/1	KT: 12x12/1		
	:MB: 13x11/1	B2: 12x11/1	B3: 10x09/1		
	:38x31 CLUBRM,	LARGE WORKSHOP			
Floor	:Formal LRoom	Formal Dr	Eat In Kitch	Modern Kit	Pantry
	:Intercom				
Appl.	:Gas Range	Wall Oven	Microwave	Refrigerator	Washer
	:Elect Dryer	Disposal			
Ament.	:Wood Floors	No Wax Kitch	WW Carpet	Curtin Rod	Shades
	:Some Drapes	Lgt Fixtures	Built-Ins	Tv Antenna	Fan On Range
	:Humidifier	Master Bath			
Lwr Lvl	:F/Part Imprv	Clubroom	Laundry	Half Bath	Workshop
	:Utility Rm				
Heat	:Fuel-Gas	Heat-Fha	Central A/C	Window A/C	Ceiling Fans
	:Attic Fans	Wdw Screens	1 Fireplace	Storm Windws	Storm Doors
	:Attic Insul	Wall Insul.			
Site	:Porch	Storage Shed	Exter Lightg	2+Car Carprrt	Parking Pad
	:Driveway	Off-St Park	Inside Lot	Tree Studded	Fenced Yard
	:Level Lot	Landscaped			
Lot	:.17 Acres	WELL LANDSCAPED, LEVEL LOT			
Utils.	:Public Water	Public Sewer	Public Gas	Cable Tv	220v Service
Deed	:Lib: 500	Fol: 69			
Ann.Fees:TX:	\$1,200				
Finance	:Curr Loan Pd				
	:NONE				
Excluded:	Bookcases	Tagged Shrub			
Show	:Call Office	La Must Accm			
Note	:Sign Posted				

Dir. :LIBERTY ROAD WEST TO RIGHT ON OFFUTT TO RIGHT ON ALLENWOOD
:TO LEFT ON TERKA. HOUSE ON RT. DO NOT DRIVE BY-A MUST SEE!
Remarks :PRIDE OF OWNERSHIP GALORE IN THIS WELL-MAINTAINED HOME! LGE
:ROOMS WITH LOTS OF UPDATES FROM TOP TO BOTTOM! SIDE BY SIDE
:PANTRIES, BUILT-IN MICROWAVE, XTRA LIGHTING AND STORAGE IN
:KITCHEN. LOWER LVL IS A MUST SEE FOR ONE WHO LIKES TO TINKER
:WITH PROJECTS IN THIS ORGANIZED WORKSHOP! GREAT HOUSE & BUY!

SV) Seller Incentive: NEW SECURITY SYSTEM NEGOTIABLE

DU: N BB: Y BB1: 3 SU: Y SU1: 3

LA: Wanda L Huester PH: (410)876-4730 CO:

TL: ER

B#: 6904 O'Connor, Piper & Flynn PH: (410)795-5300

MLS# (BC)239539

All information is deemed reliable but not guaranteed by the Broker or MARIT
-- Copyright (C) 1996 By Mid-Atlantic Real Estate Information Technologies --
===== Run Date: 10/04/96 =====

MICROFILMED

Petitioner's Exhibit

2A-2K

photographs

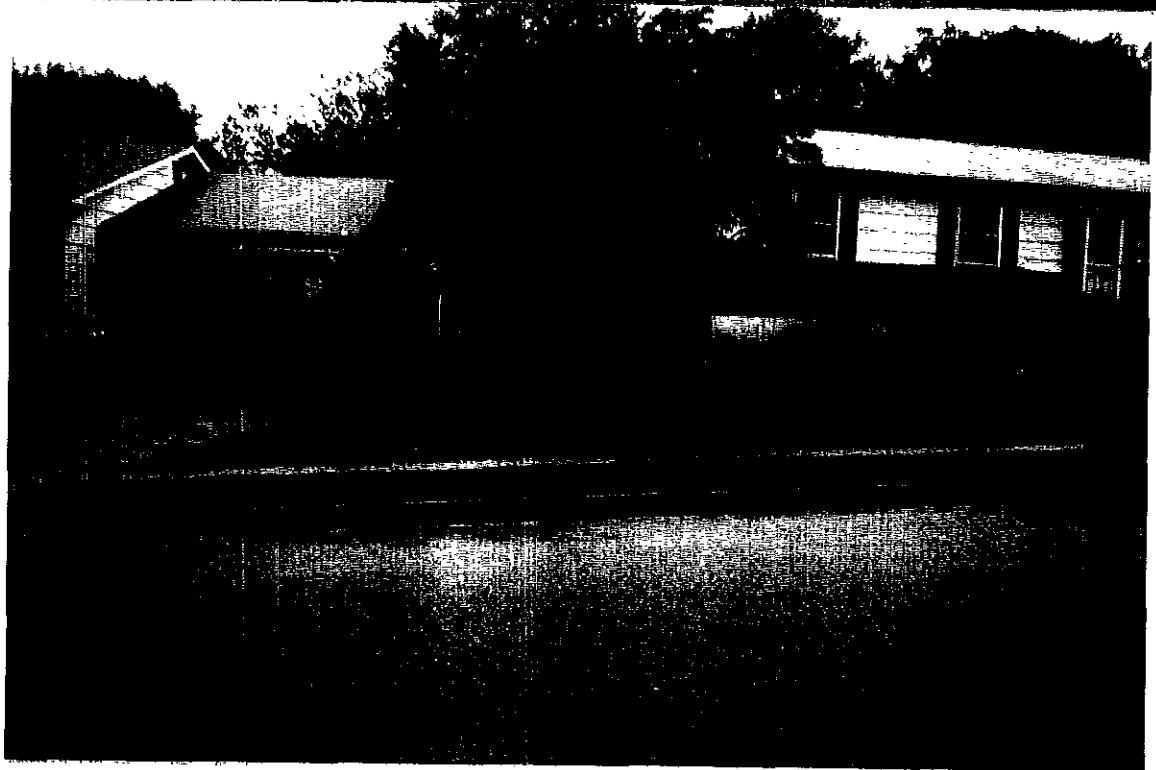
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unmarked)

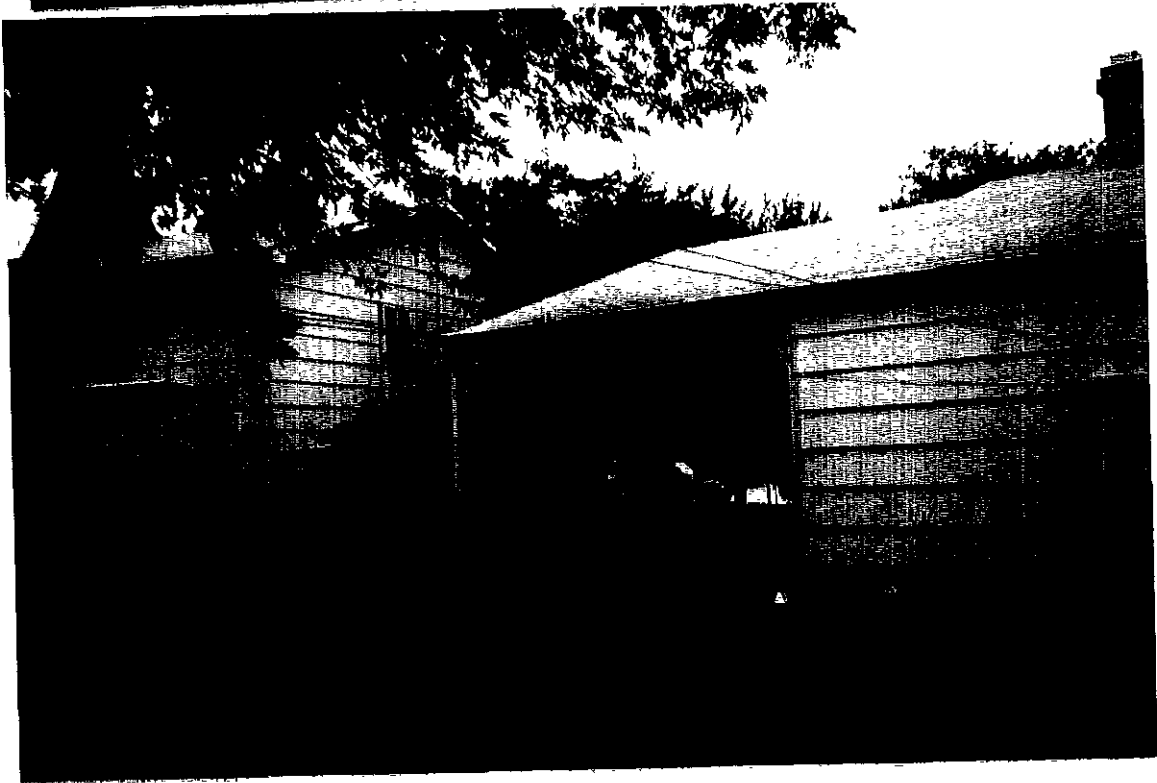
97-105-A

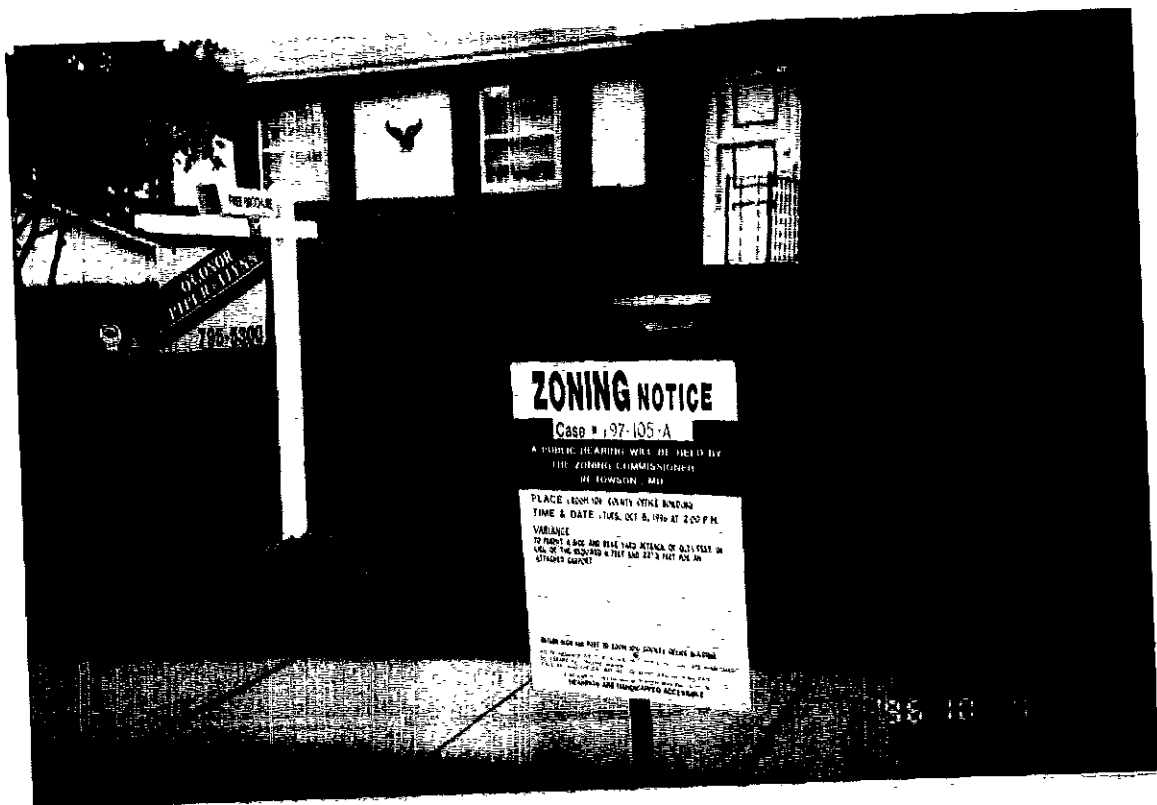
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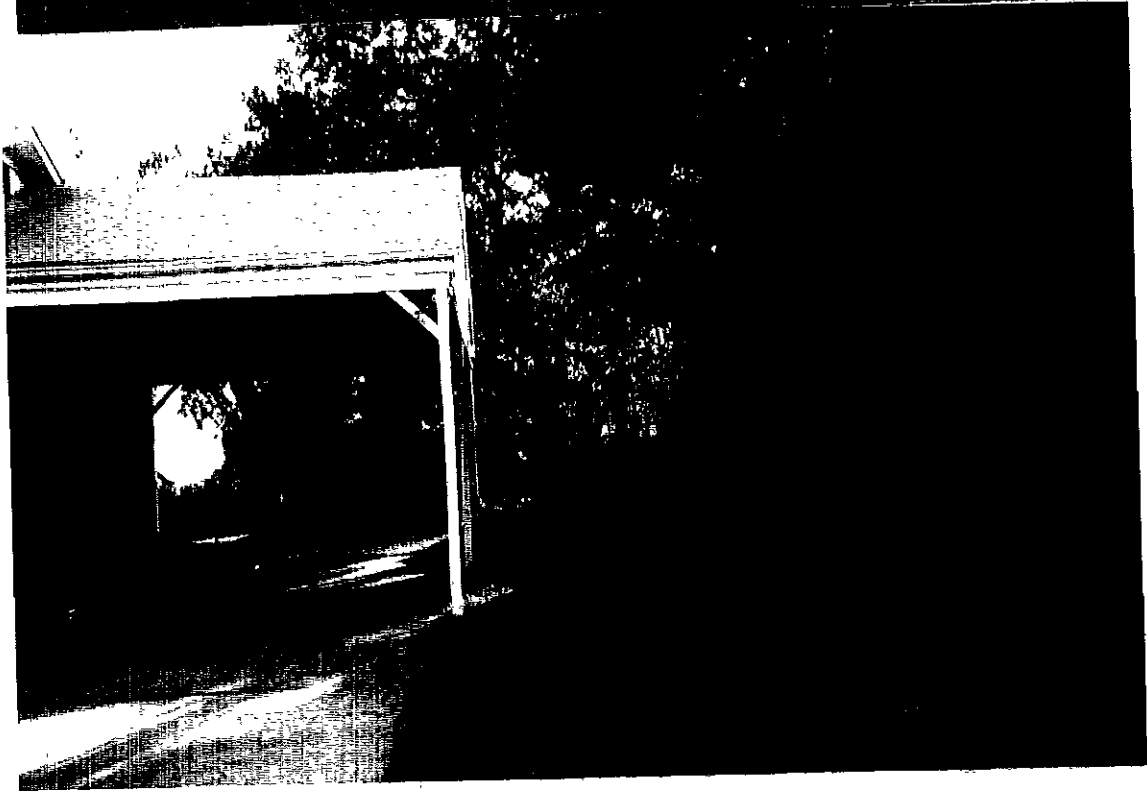


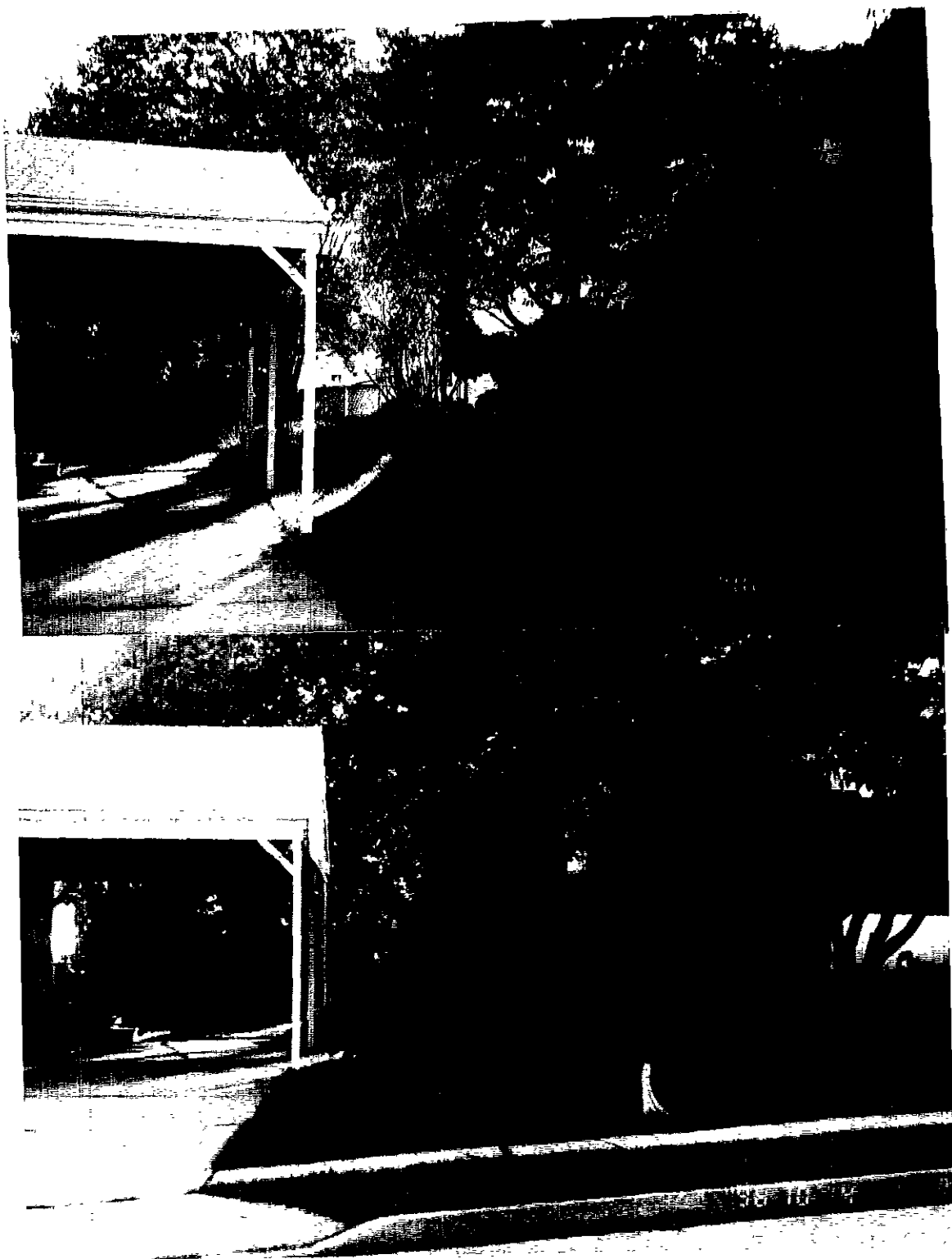


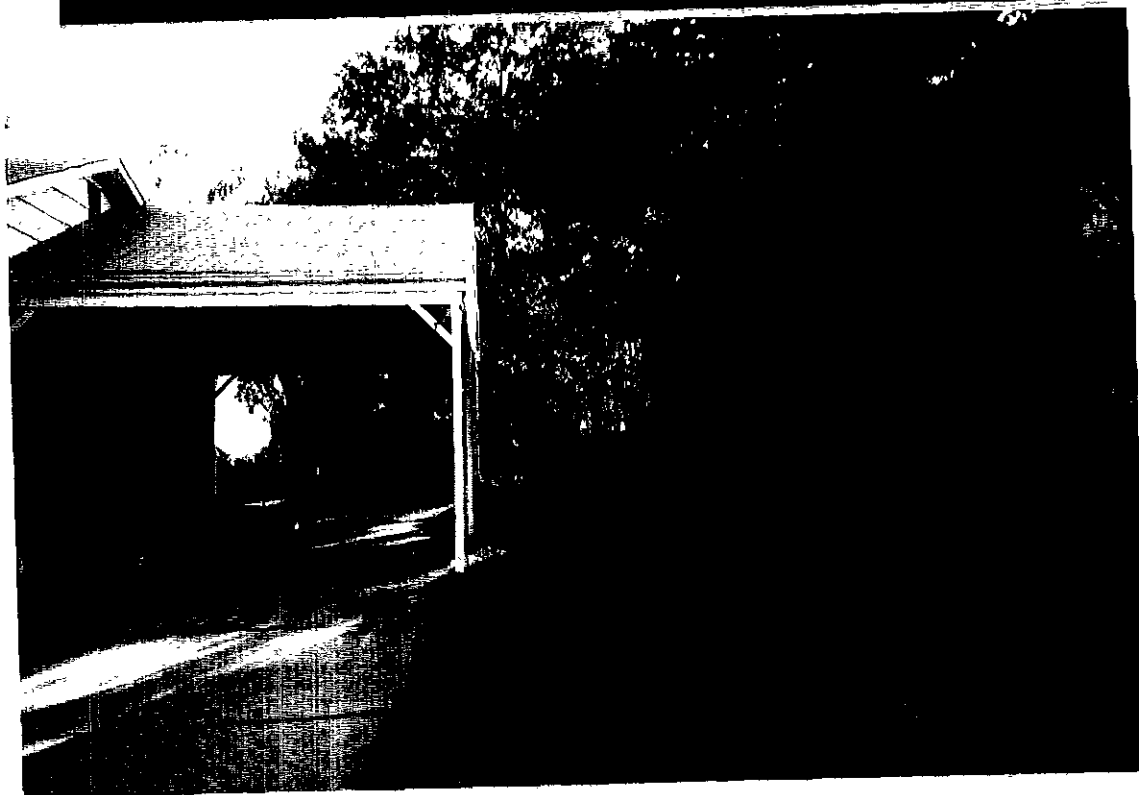
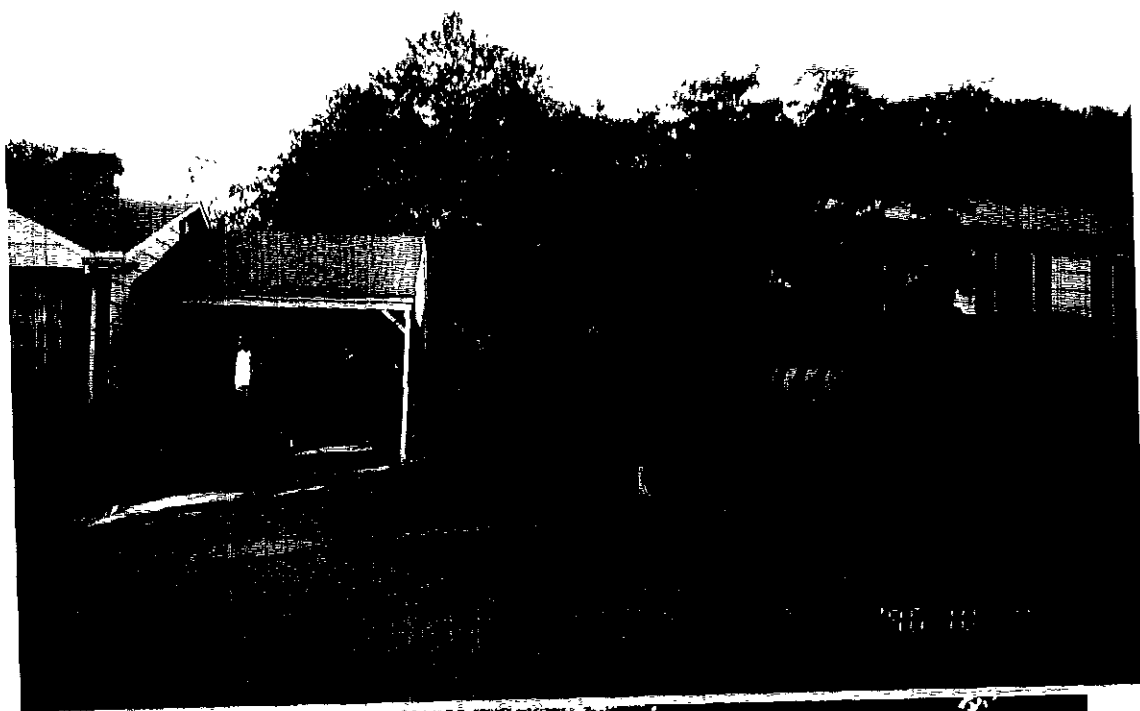


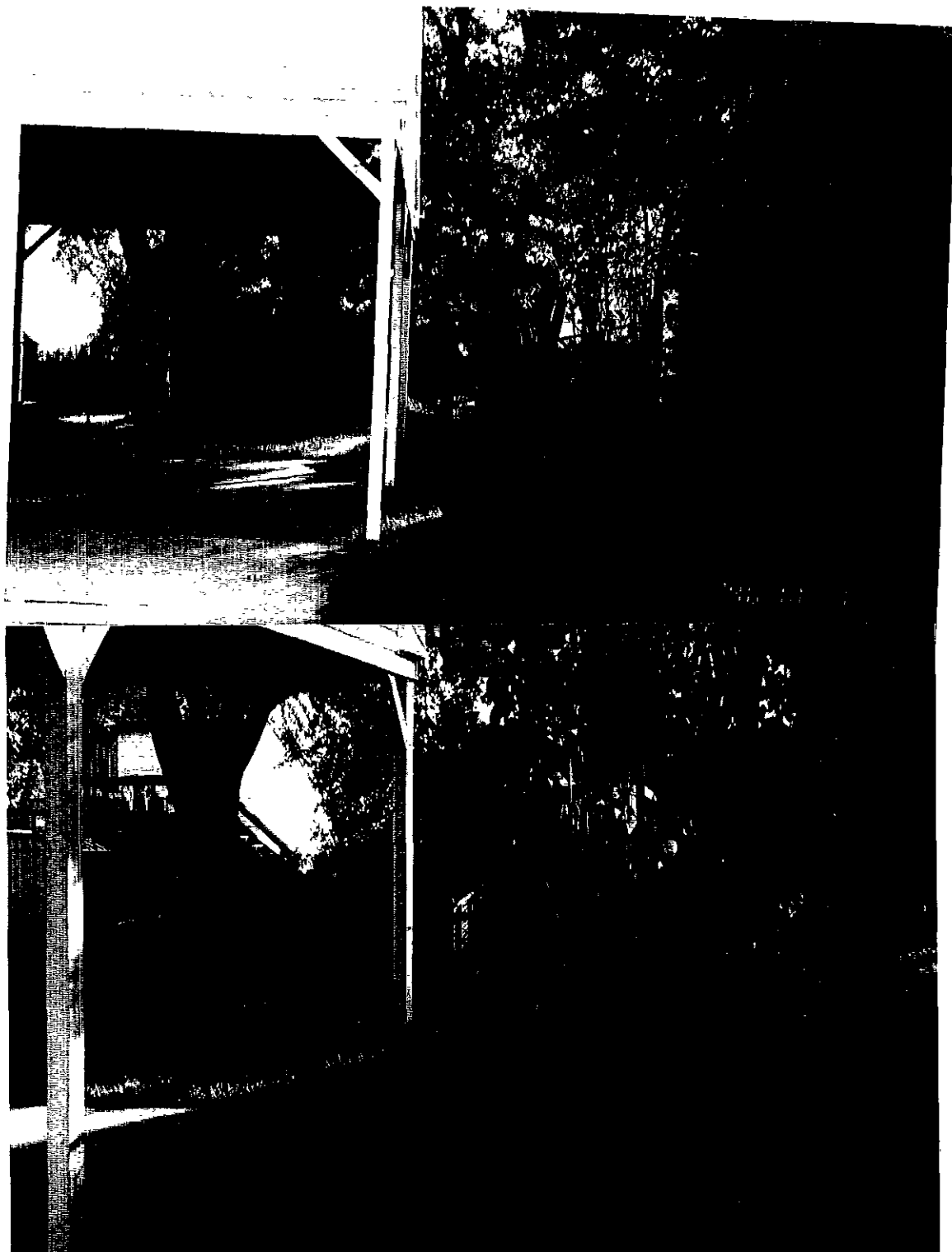




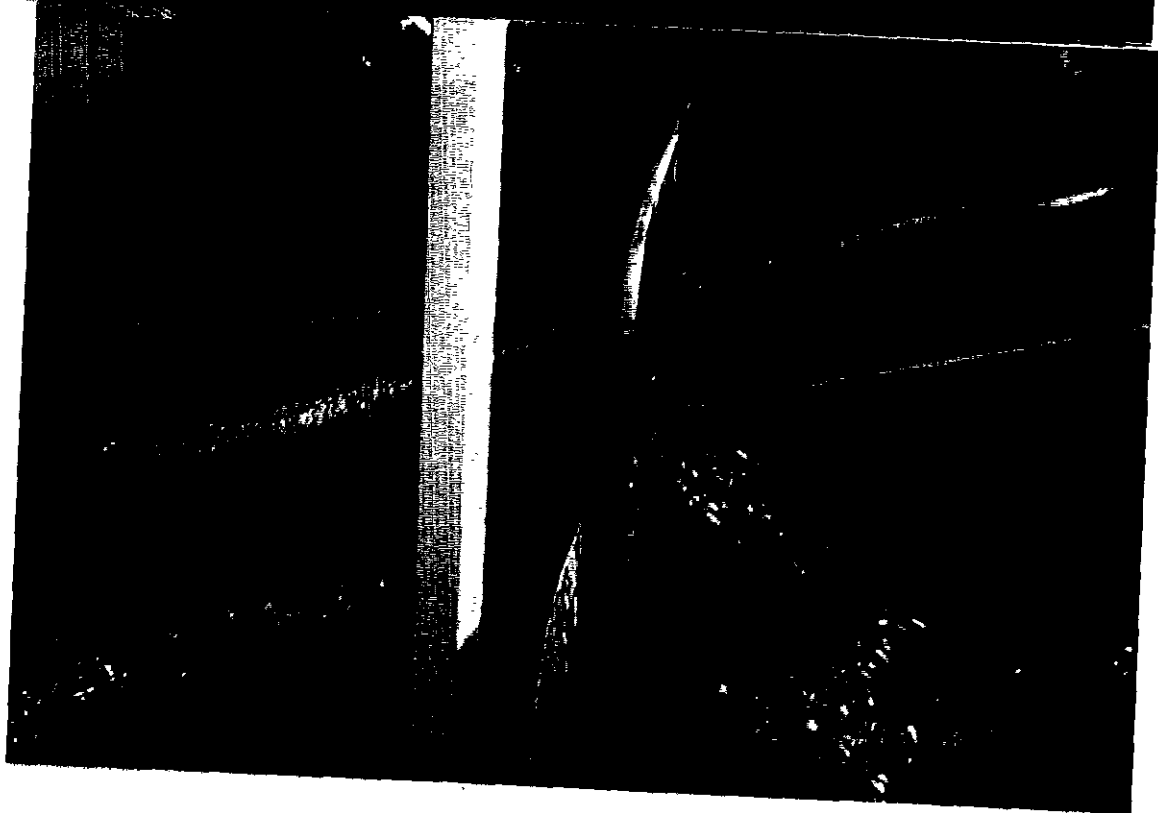








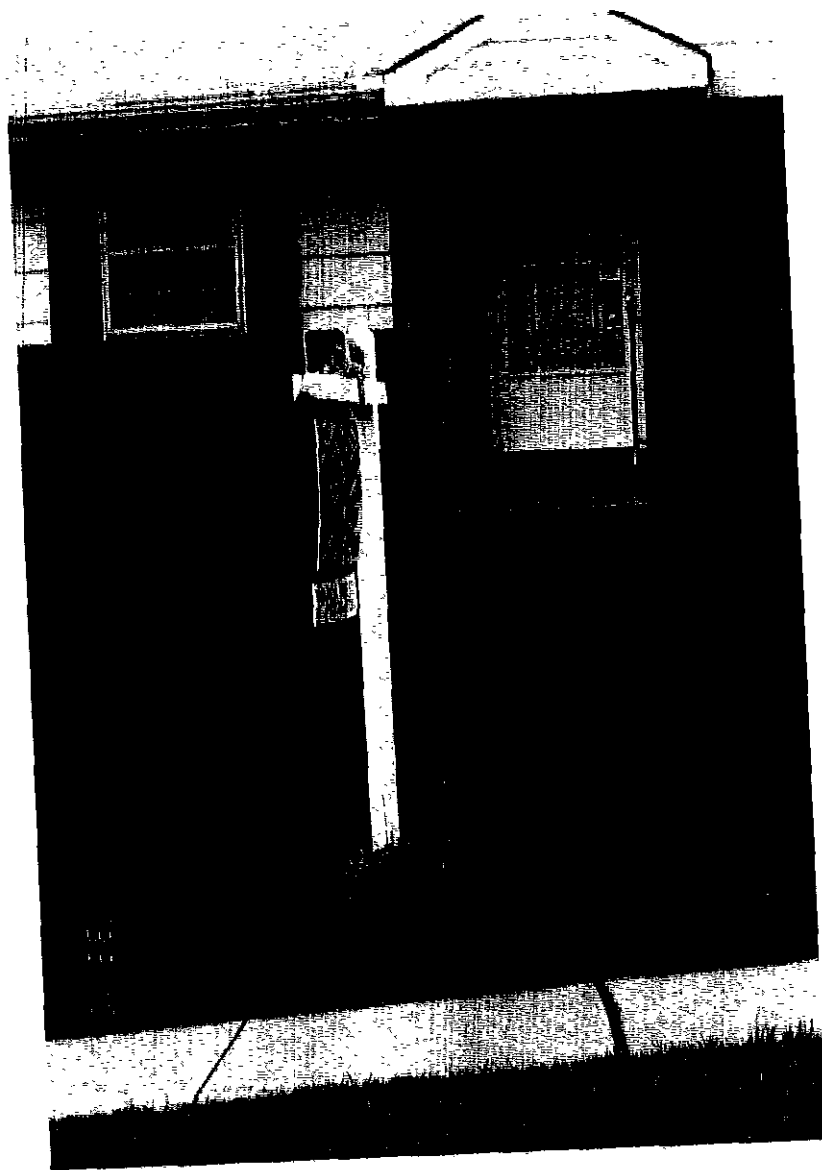


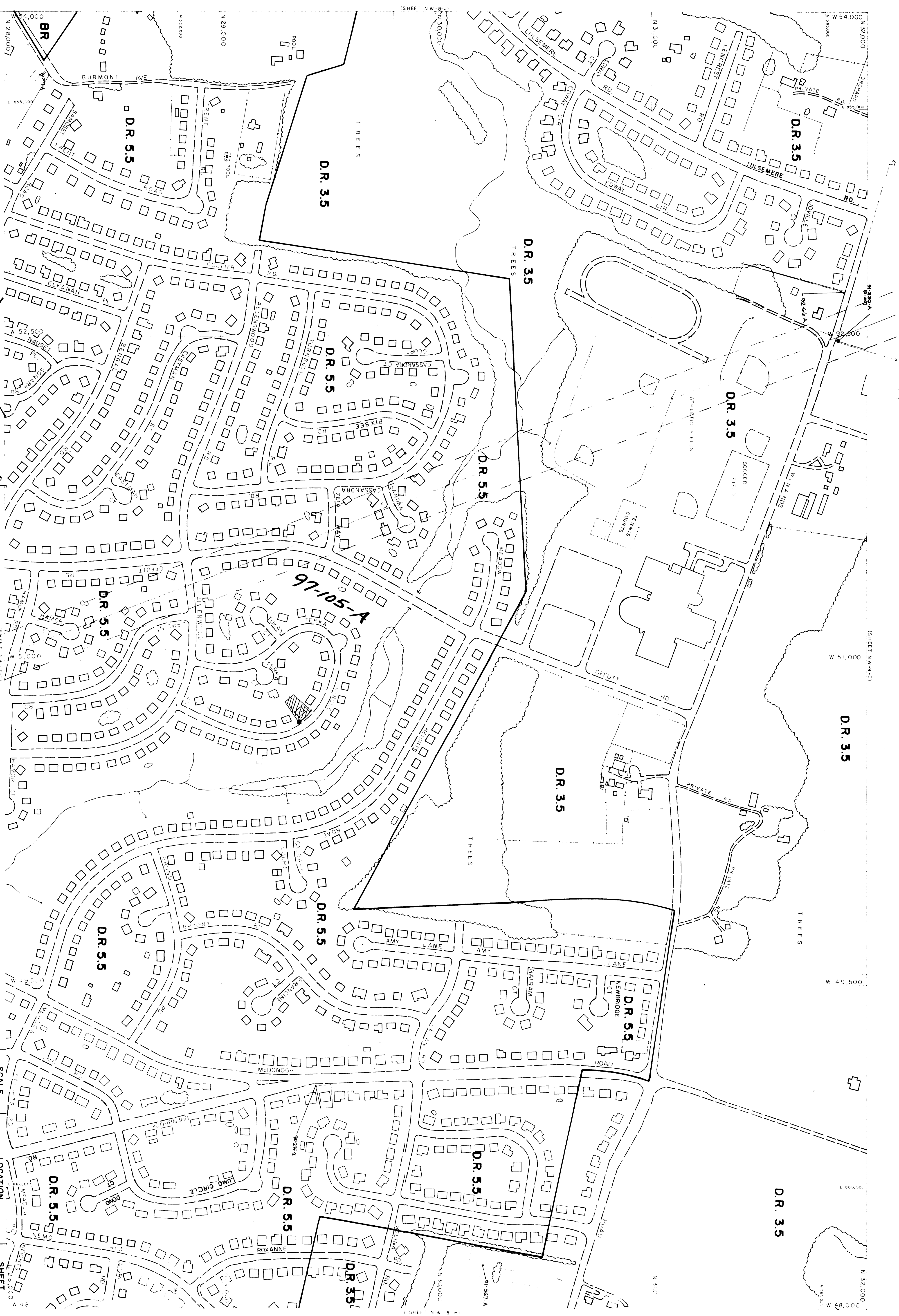












P-SW
P-NW

1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 13, 1988
Bill Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88

106
BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992
Bill Nos. 83-92, 84-92, 85-92, 86-92, 87-92, 88-92, 89-92

DATE OF PHOTOGRAPHY
JANUARY 1986

LOCATION
RANDALLSTOWN

SHEET
N.W.
8-1

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

Chairman, County Council

OFFICIAL ZONING MAP

Chairman, County Council

MANOR MED

IN RE: PETITION FOR VARIANCE
W/S Terka Circle, 562.12' N of
Allenswood Road
(3827 Terka Circle)
2nd Election District
2nd Councilmanic District
Carl F. Kohler, Jr.
Petitioner
* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 97-105-A
*
* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 3827 Terka Circle, located in the vicinity of Offutt Road in Randallstown. The Petition was filed by the owner of the property, Carl F. Kohler, Jr. The Petitioner seeks relief from Sections 211.3 and 301 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side and rear setback of .71 feet in lieu of the required 6 feet (side) and 22.5 feet (rear) for an existing attached carport. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Carl F. Kohler, Jr., owner of the property, and Steven Michael. Appearing as Protestants in the matter were Cindy and Jerry Feldstein, adjoining property owners.

Testimony and evidence offered revealed that the subject property consists of 7,521 sq.ft., zoned D.R. 5.5, and is improved with a single family dwelling, an attached carport, which is the subject of this request, and two sheds. Mr. Kohler testified that he inherited the subject property upon the death of his father and that he presently has the house up for sale. Testimony indicated that the house has been vacant since May of this

year. Mr. Kohler testified that his father constructed the carport in 1989 and that he was unaware that it infringed upon any setbacks. He testified that he believed his father had obtained all necessary permits for its construction in 1989. However, apparently during the course of legal proceedings, it was discovered that the carport encroached upon the required side/rear setbacks. The Petitioner then filed the instant Petition in order to resolve the matter.

As noted above, Cindy and Jerry Feldstein appeared in opposition to the request. Mr. & Mrs. Feldstein testified that they have resided on the adjacent property for the past 19 years and that the elder Mr. Kohler was a pleasant gentleman who kept his property in impeccable condition. They testified that they did not object to the carport at the time it was constructed, thinking that the Petitioner had obtained all the necessary permits. Furthermore, they did not want to infringe upon their neighborly relationship with Mr. Kohler by questioning the legitimacy of the carport. However, inasmuch as a new owner of the subject property is eminent, they are expressing their concern that the carport is located less than 1 foot from their property line and, more importantly, that the storage of hazardous materials in the overhead storage area of the carport could pose a safety issue. Mr. & Mrs. Feldstein testified that Mr. Kohler only used the carport as protection for his car from inclement weather and not for storage. They are concerned that any future owner of the property might store items over the carport which could be flammable and result in a fire or safety hazard. They would like the carport brought into compliance with the zoning regulations before a new owner takes title to the property.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and

his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, I am persuaded to deny the variance. Testimony at the hearing revealed that Mr. Kohler plans to sell the house and has no intention of residing on the property or utilizing the carport. This is the appropriate time to address the issue of the carport and whether it should remain in its present location, .71 feet from the Feldstein's property line. Testimony demonstrated that the Feldsteins are long-time residents of this neighborhood who wish to remain in this community without fear that the carport on the subject property might pose a threat to them in the future. Therefore, the relief requested shall be denied and the Petitioner shall be required to bring the carport into compliance with the zoning regulations within sixty (60) days of the date of this Order.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 24th day of October, 1996 that the Petition for Variance seeking relief from Sections 211.3 and 301 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side and rear setback of .71 feet in lieu of the required 6 feet (side) and 22.5 feet (rear) for an existing attached carport, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petitioner shall have sixty (60) days from the date of this Order to bring the property into compliance with the zoning regulations; and,

IT IS FURTHER ORDERED that the Petitioner shall have thirty (30) days from the date of this Order to file an appeal of this decision.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 10/24/96
By 10/24

ORDER RECEIVED FOR FILING
Date 10/24/96
By 10/24

ORDER RECEIVED FOR FILING
Date 10/24/96
By 10/24

ORDER RECEIVED FOR FILING
Date 10/24/96
By 10/24

- 2 -

- 3 -

- 4 -



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

October 24, 1996

Mr. Carl F. Kohler, Jr.
12343 Bonfire Drive
Reisterstown, Maryland 21136

RE: PETITION FOR VARIANCE
W/S Terka Circle, 562.12' N of Allenswood Road
(3827 Terka Circle)
2nd Election District - 2nd Councilmanic District
Carl F. Kohler, Jr. - Petitioner
Case No. 97-105-A

Dear Mr. Kohler:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been denied in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. Jerry Feldstein
3825 Terka Circle, Randallstown, Md. 21133

People's Counsel
File



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3827 Terka Circle, Randallstown, MD 21133
97-105-A which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 211.3, 301, and 301.1 of the B.C.Z.R. to Permit a side yard setback of .71' in lieu of the required 6' and a rear setback of 22.5' for an attached car port.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)
To Be Determined At Hearing

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Correct Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zip Code

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City

State

Zip Code

(We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.)

Legal Owner(s):

(Type or Print Name)

Signature

Address

City

State

Zip Code

Name, Address and phone number of representative to be contacted

Signature

Address

City

State

Zip Code

Printed with Soybean Ink on Recycled Paper

ESTIMATED LENGTH OF HEARING

the following date: _____

ALL _____ OTHER _____

REVIEWED BY: _____ DATE: _____

September 4, 1996

RE: VARIANCE FOR PROPERTY AT 3827 TERKA CIRCLE
RANDALLSTOWN, MD. 21133
CASE NO. 96-5749

(Hardship was not the result of applicant's own actions.)

Application is being made for a variance for the above mentioned property. The petitioner is Carl F. Kohler, Jr. who resides at 12343 Bonfire Drive in Reisterstown Maryland in Baltimore County. Mr. Kohler's father, having the same name and now deceased, had a contractor erect a "carport" sometime in 1989 at his home on Terka Circle. It is the carport which is of discussion for the variance. Mr. Kohler is now in the progress of settling his late father's estate which includes selling his residence.

Recently Mr. Kohler was informed of a code violation at the above mentioned property and it specifically stated a violation of "Baltimore County Zoning Regulations (BCZR), Section 102.1". The instructions requested Mr. Kohler to make the following corrections,

CARPORT DOES NOT MEET THE BALT. CO. ZONING SIDE SET BACKS FROM PROPERTY LINE OF 6 1/2 FEET. MUST APPLY FOR A ZONING VARIANCE OR REMOVE CARPORT.

Mr. Kohler is at this time making application for a variance at 3827 Terka Circle in response to the CODE VIOLATION NOTICE. The property has recently been surveyed by Carroll Land Services, Inc. and the procedure for applying for the zoning variance is being followed.

The subject property has been on the real estate market since May 16, 1996 and it is likely that a buyer is forthcoming. It is hoped that this matter can be resolved quickly so as not to interfere with its sale.

ZONING DESCRIPTION FOR 3827 TERKA CIRCLE
RANDALLSTOWN MD 21133
CARL & RUTH KOHLER

97-105-A

Beginning at a point on the west side of Terka Circle which is 35.5 feet (paving width varies) wide at the distance of 562.12 feet north of the nearest improved intersecting street Allenswood Road which is 60.0 feet wide. *Being Lot # 14, Block S, Section # 6 in the subdivision of Randall Ridge as recorded in Baltimore County Plat Book # 30, Folio # 116, containing 7,521.00 square feet (0.1726584 of an acre). Also known as 3827 Terka Circle, Randallstown MD 21133 and located in the second (2) Election District, second (2) Councilmanic District.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: _____ Date of Posting: 9/20/96
 Posted for: Carl Kohler, Jr.
 Petitioner: 3827 Terka Circle
 Location of property: front yard
 Location of Sign: front yard
 Remarks: _____
 Posted by: Gary Bennett Date of return: _____
 Number of Signs: _____

CERTIFICATE OF PUBLICATION

TOWSON, MD., 9-19, 1996

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9-19, 1996

THE JEFFERSONIAN,
G. Henrichson
LEGAL AD. - TOWSON

NOTICE OF HEARINGS
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 West Chesapeake Avenue, Towson, Maryland 21204 as follows:
Case 97-105-A (Item 106)
3827 Terka Circle
W/S Terka Circle, 562.12' N of Allenswood Road
2nd Election District - 2nd Councilmanic
Legal Owner(s): Carol F. Kohler, Jr.
Variance to permit a side and rear yard setback of .71 feet in lieu of the required 6 feet and 22-1/2 feet for an attached carport.
HEARING: TUESDAY, OCTOBER 8, 1996 at 2:00 p.m. in Room 106, County Office Building.
NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

97-105-A

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:
 Item No.: 106 Petitioner: Carl F Kohler Jr
 Location: 3827 Terka Circle Randalltown, Md 21204
 PLEASE FORWARD ADVERTISING BILL TO:
 NAME: Carl F Kohler Jr
 ADDRESS: 12343 BowFire Drive
Reisterstown, Md 21136
 PHONE NUMBER: 410-526-9028

TO: PATIENT PUBLISHING COMPANY
September 19, 1996 Issue - Jeffersonian
Please forward billing to:
Carl F. Kohler, Jr.
12343 BowFire Drive
Reisterstown, MD 21136
526-9078

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-105-A (Item 106)
3827 Terka Circle
W/S Terka Circle, 562.12' N of Allenswood Road
2nd Election District - 2nd Councilmanic
Legal Owner(s): Carol F. Kohler, Jr.

Variance to permit a side and rear yard setback of .71 feet in lieu of the required 6 feet and 22-1/2 feet for an attached carport.

HEARING: TUESDAY, OCTOBER 8, 1996 at 2:00 p.m. in Room 106, County Office Building.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County
Department of Permits and
Development Management

September 11, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-105-A (Item 106)
3827 Terka Circle
W/S Terka Circle, 562.12' N of Allenswood Road
2nd Election District - 2nd Councilmanic
Legal Owner(s): Carol F. Kohler, Jr.

Variance to permit a side and rear yard setback of .71 feet in lieu of the required 6 feet and 22-1/2 feet for an attached carport.

HEARING: TUESDAY, OCTOBER 8, 1996 at 2:00 p.m. in Room 106, County Office Building.

Carl F. Kohler, Jr.
Arnold Jablon
Director

cc: Carl F. Kohler, Jr.

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

October 2, 1996

Mr. Carl F. Kohler, Jr.
3827 Terka Circle
Randalltown, MD 21133

RE: Item No.: 106
Case No.: 97-105-A
Petitioner: Carl F. Kohler, Jr.

Dear Mr. Kohler:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on September 5, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,
W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Management

FROM: Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for September 24, 1996
Item Nos. 105, 106, 108 & 109

Date: September 23, 1996

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File

ZONE27

Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Parker F. Williams
Administrator

4-18-96

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 106 (JL)

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5581 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
Bob Small
for Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____
Maryland Relay Service for hearing impaired or speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 - Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street - Baltimore, Maryland 21202

Baltimore County Government
Fire Department

700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4380

DATE: 09/19/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW
Location: DISTRIBUTION MEETING OF SEPT. 16, 1996.

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

B. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 104, 105, 106, 108 & 109.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: September 19, 1996

FROM: Pat Keller, Director
Planning Office

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):
Item Nos. 104, 105, 106, 107, and 108

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by: Jeffrey W. Long
Division Chief: Gary L. Lewis

PK/JL

ITEM104/PZONE/ZAC1

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: PDM

DATE: 9/13/96

FROM: R. Bruce Seeley
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: Sept. 16

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 105
106
108

RBS:sp
BRUCE2/DEPRM/TXTSBP

RE: PETITION FOR VARIANCE
3827 Terka Circle, W/S Terka Circle,
562.12' N of Allenswood Road
2nd Election District, 2nd Councilmanic

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY

Carl F. Kohler, Jr.
Petitioners

CASE NO. 97-105-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Charles S. Demilio
CHARLES S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 867-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of October, 1996, a copy of the foregoing Entry of Appearance was mailed to Carl F. Kohler, Jr., 12343 Bonfire Drive, Reisterstown, MD 21136, Petitioner.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

Code Enforcement
Baltimore County
Department of Permits & Development Management
11 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3355

January 3, 1997

Carl Kohler, Jr.
12343 Bonfire Dr.
Reisterstown, MD 21136

Re: 3827 Terka Circle
Randallstown, MD 21133

Dear Mr. Kohler, Jr.

This is to inform you that the above referenced property is now in compliance with the Baltimore County Zoning regulations for the side setbacks.

If you have any further questions, please contact me at (410) 887-3351 X 7286.

Thank you for your cooperation.

Sincerely,

Mark Gavel
Mark Gavel
Code Inspections and
Enforcement Inspector

POSTS HAVE BEEN
MOVED (THEY WERE NOT
AS REQUIRED AS PER
PICK UP AND TIM
COMPLETED) - PROPERTY
NOW IN COMPLIANCE.

97-105-A

TERKA CIRCLE
35.5' PAVING WIDTH
R/W VARIES

562' TO ALLENSWOOD RD
Cap 4 1/2" Set
P.O.B.

562.42' TO
ANGLE POINT @
INTERSECTION
OF TERKA CIRCLE
& ALLENSWOOD RD.

LOT N° 13
BLOCK "S"

LOT N° 14
BLOCK "S"

PLAT TO ACCOMPANY
VARIANCE REQUEST
FOR
Carl & Ruth KOHLER
3827 TERKA CIRCLE
RANDALLSTOWN, MD 21133

LOT N° 14
BLOCK "S"
PLAT 1 SECTION SIX
"RANDALL RIDGE"
2ND ELEC. DIST. BALTIMORE CO. MD.
RECORDED IN P.B. 30 FOLIO 116

SEE REVERSE SIDE

Carroll Land Services, Inc.
Engineers & Surveyors • Land Development Consultants
11111 E. JONES RD. SUITE 100 BALTIMORE, MD 21206-1111
(410) 472-2017 FAX (410) 472-2018

DATE: 8/10/96 SCALE: 1" = 30' FILE:

Plat to accompany Petition for Zoning
PROPERTY ADDRESS: 3827 Terka Circle
Subdivision name: Randall Ridge
plat book # 30 folio # 116 lot # 14 section # 6

OWNER Carl & Ruth Kohler

RANDALL RIDGE SUBDIVISION

ALLENSWOOD ROAD

LIBERTY ROAD

RANDALLSTOWN MD

VICINITY MAP

NOT TO SCALE

LOCATION INFORMATION

Councilmanic District: 2

Election District: 2

Map to Scale: 1" = 30'

Zoning: DR-5.5

Lot size: 0.173 7,521.0
acres sq. feet

SEWER: Public Private
YES YES

WATER: YES

Chesapeake Bay Critical Area: YES NO

Prior Zoning Hearings: NONE

Zoning Office USE ONLY

reviewed by: ITEM #: CASE #:

May 23rd

Bonfire Drive
Reisterstown, Md

NE corner

Welcome To:
3827 Terka Circle
Randallstown, MD 21133

Proudly Presented By:
Wanda Huester
of
O'Connor Piper & Flynn
876-4730 or 795-5300

Exhibit 1 - Property
2A plus 2B permit
Shed
Cur Path
you want line there
may 16th - How long
not resubmit

Features of This Home

Living Room
Enter to Foyer
Living Room 20' x 16'
Wall to Wall Carpet
Bright & Beautiful
Fireplace

Kitchen
Eat-in Kitchen
Disposal
Refrigerator
Side by Side Pantries
Extra Lighting
Rear Entrance

Bedrooms
Master Bedroom Size 13x 11'
Master Bath
Bedroom #2 - 12' x 11'
Bedroom #3 - 10' x 09'

Dining Room
Formal
Overlooking Back Yard
Dining Room 14' x 09'

Lot
Parking Pad w/ 2-Car Carport
Beautiful Landscape
Storage Sheds
Fenced in Yard

Lower Level
Clubroom - 38' x 31'
Laundry Room
Large Work Shop

Misc.
Exterior Lighting
Built-Ins
Lots of Storage
Major Updates
Public Water
Public Sewer
Best Buy!!!

MLS# (BC)239539
3827 TERKA CIRCLE
RANDALL RIDGE
Zip: 21123 Map: BC24E10 Gr. Cap: \$0
L i s t: \$116,900
Ground Rent: \$0
-1- Residential

Desc: :Rancher 1 Level Detached 3 Bedrooms 2 1/2 Baths
:27 Yrs Old Frame Home Asph Sh Roof

Rooms :LR: 20x16 1/2 DR: 14x09 1/2 KT: 12x12 1/2
:MB: 13x11 1/2 BR: 12x11 1/2 B3: 10x09 1/2
:38x31 CLUBRM, LARGE WORKSHOP
:Formal LRoom Eat In Kitch Modern Kit Pantry

Floor :Formal LRoom Formal Dr
:Intercom

Appl. :Gas Range Wall Oven Microwave Refrigerator Washer
:Electric Dryer Disposal

Ament. :Wood Floors No Wax Kitch W/ Carpet Curtn Rod Shades
:Some Drapes Lgt Fixtures Built-Ins TV Antenna Fan On Range

Lvr Lvl :Humidifier Master Bath Workshop
:27 Part Imprv Laundry Half Bath

Heat :Utility Rm Heat-Pha Central A/C Window A/C Ceiling Fans
:Attic Fans Wdw Screens Storm Windows Storm Doors
:Attic Insul Wall Insul

Site :Porch Storage Shed Exter Lightg 2+Car Carprt Parking Pad
:Driveway Off-St Park Inside Lot Tree Studded Fenced Yard

Lot :Level Lot Landscaped
:17 Acres WELL LANDSCAPED, LEVEL LOT
:Public Water Public Sewer Public Gas Cable TV 220v Service

Dead :Lib: 500 Foli: 69
Ann.Fees:TX: \$1,200
Finance :Curr Loan Pd
:NONE

Excluded:Bookcases Tagged Shrub

Show :Call Office La Must Acca
Note :Sign Posted

Dir. :LIBERTY ROAD WEST TO RIGHT ON OFFUTT TO RIGHT ON ALLENWOOD
:TO LEFT ON TERKA, HOUSE ON RT. DO NOT DRIVE BY-A MUST SEE!

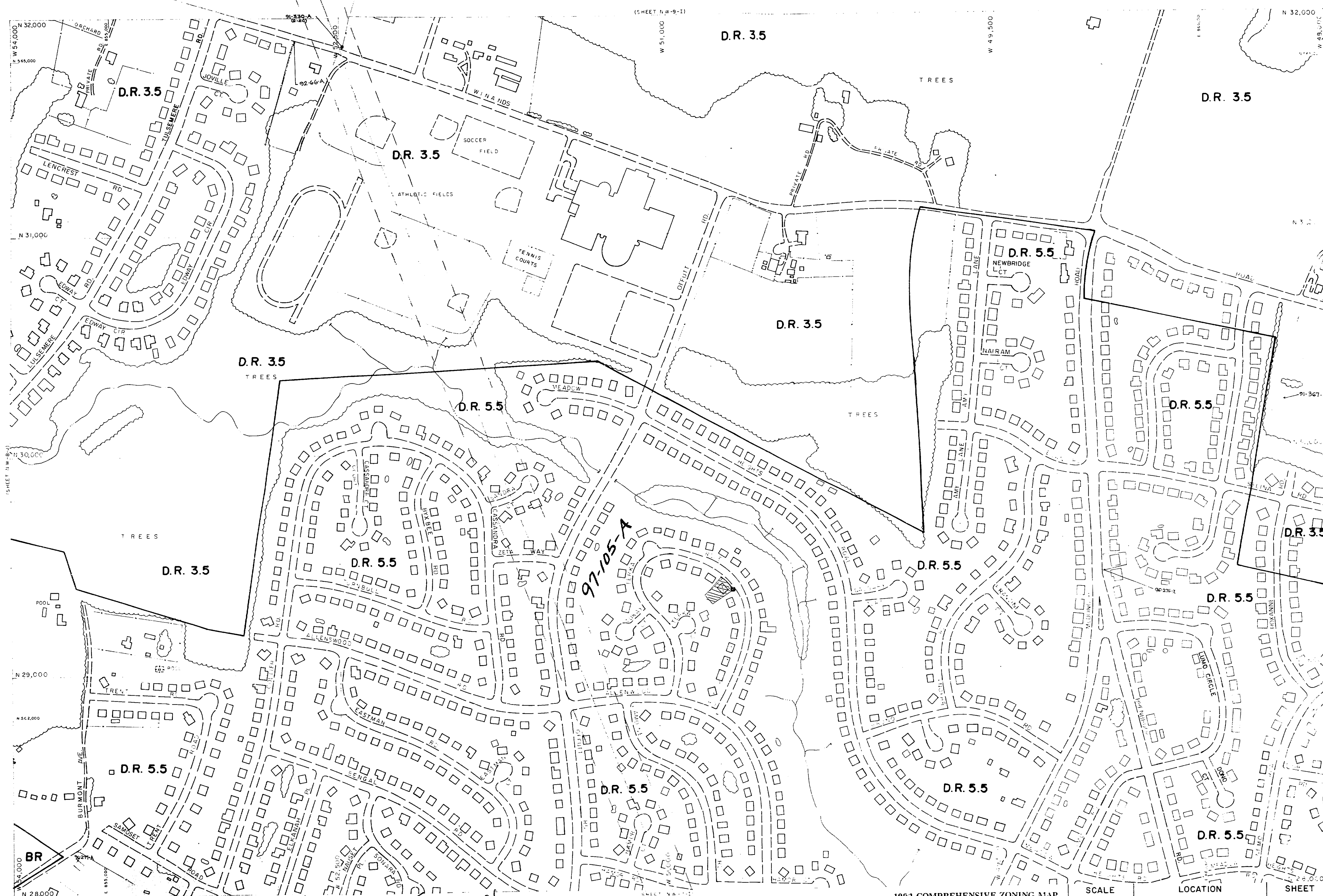
Remarks :PRICED FOR OWNERSHIP GADORE IN THIS WELL-MAINTAINED HOME! LGE
:ROOMS WITH LOTS OF UPDATES FROM TOP TO BOTTOM! SIDE BY SIDE
:PANTRIES, BUILT-IN MICROWAVE, XTRA LIGHTING AND STORAGE IN
:KITCHEN. LOWER LVL IS A MUST SEE FOR ONE WHO LIKES TO TINKER
:WITH PROJECTS IN THIS ORGANIZED WORKSHOP! GREAT HOUSE & BUY!

SV) Seller Incentive: NEW SECURITY SYSTEM NEGOTIABLE
DU: N BR: Y BR: 3 SU: Y SU: 3 TL: ER
LA: Manda L Huester PH: (410)876-4730 CD: MLS# (BC)239539
BH: 6904 O'Connor, Piper & Flynn PH: (410)795-5500

All information is deemed reliable but not guaranteed by the Broker or MARIT
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===== Run Date: 10/04/96 =====

Photographer's Exhibit
2A-2K
photographs
(includes others
unmarked)
97-105-A





P-SW
P-NW

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

~~1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
On 12, 1988~~

EXH Nos 144-88, 145-88, 11-88, 117-88, 143-88, 149-88, 150-88

Chairman, County Council

106 BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992

William A. Howard IV
Chairman, County Council

SCALE
1" = 200'

DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION

RANDALLSTOWN

SHEET

N. W.
8-I